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*The briefing schedule is adjourned
as requested. The conf will be re-set
at the time the motion is decided.*

10/3/11

[Signature]

September 28, 2011

The Honorable Alvin K. Hellerstein
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1050
New York, NY 10007-1312



Via Facsimile

RE: *Metcalf v. Zoullas et al.*, Case No. 1:11-cv-03996-AKH

Dear Judge Hellerstein:

We represent Plaintiff John T. Metcalf in the above-referenced matter. We write, after consultation with Defendants, to request a modification of the briefing schedule to accommodate unanticipated burdens on counsel's schedule at the end of September.

1. Plaintiff requests a one-week extension to respond to Defendants' motion to dismiss from the stipulated date of October 5, 2011 to October 12, 2011. This request necessitates an extension for Defendants' reply. Plaintiff suggests that Defendants be similarly granted an additional week for their reply, which would extend the due date from October 19, 2011 to November 2, 2011.
2. On July 14, 2011, this Court ordered the current stipulated briefing schedule. Apart from the request to approve the stipulated schedule, there have been no other requests for adjournment or extension of the briefing schedule.
3. Defendant consents to these proposed modifications to the briefing schedule, provided that the Court also extends the Case Management Conference, which has already been adjourned once at Defendants' request from September 27 to October 28, 2011. Plaintiff is prepared to proceed with the conference as currently scheduled, but does not oppose Defendants' request to extend the date for the conference in connection with Plaintiff's request to extend the briefing schedule.

Respectfully submitted,

[Signature]
Carol S. Shahmoon
Signatures of Michael G. Bongiorno, Jeffrey M. Dine, Bruce G. Paulsen, and Shauna K. Friedman

CS/las

cc: Michael G. Bongiorno (via e-mail)
Jeffrey M. Dine (via e-mail)
Bruce G. Paulsen (via e-mail)
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